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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/644,416

-08/20/2003

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ITL.1000US (P16572)

6954

7590

11/17/2005

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EXAMINER

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ART UNIT

PAPER NUMBER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/644,416
Filing Date: August 20, 2003
Appellant(s): LAVIE, REUVEN

Intel Corporation
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed December 10, 2004 appealing from the Office action mailed July 01, 2004.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct. The changes are as follows:

Are claims 8 and 10-17 anticipated by Paulson ?

Are claims 18-24 Obvious Over Paulson ?

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,938,479

PAULSON ET AL.

8-1999

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7 remain rejected under 35 U.S.C. 102(b) as being anticipated by Paulson, et al.

The device of Paulson comprises capacitively coupling non-adjacent terminals (see figures 5 and 6). The claims lack any further steps for the method and therefore do not define over the method employed by Paulson (5,938,479).

Claim 8 and 10- 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Paulson.

This connector comprises two capacitive couplings to reduce cross talk in high frequency digital communication signals. It also comprises a non-conductive housing and terminals of the type "to contact mating Ethernet connectors." The device of

Paulson is seen to comprise "Ethernet terminals" and to be an Ethernet connector; the claims contain no structure that defines the claimed invention over that disclosed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 18-24 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Paulson.

This connector comprises capacitive couplings to reduce cross talk in high frequency digital communication signals. This is the same type of connector that is used in networks and with processor-based systems. Such systems are known to be sensitive to cross-talk and to require protection therefrom. Therefore, it would have been obvious to use the connector of Paulson in a network or a processor-based system.

(10) Response to Argument

▲ In response to appellant's argument on page 9 of the Brief that Ethernet connectors must comply with specific requirements as shown in Evidence Appendix.

First of all, it is noted that the features upon which applicant relies (i.e., specific requirements for an Ethernet connector listed in Evidence Appendix) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification,

limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Secondly, Appellant argues that the connector shown by Paulson is not an Ethernet connector. However, "Ethernet" refers to a communication system that may use a variety of connectors and other components. As noted by applicant on page 1 of the present specification, Ethernet nodes may be linked by a variety of known cabling "through standard connectors including an RJ-45 connector." The connector of Paulson is basically a standard connector intended for high frequency communication (a feature of an Ethernet system). Appellant has not specified or claimed any particular structure to define an Ethernet connector. Therefore, since it meets the requirements thereof, the connector of Paulson is seen to be an Ethernet connector.

Further, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

▲ In response to appellant's argument on page 10 of the Brief that Paulson does not disclose a non-conductive housing having a jack and terminals to contact mating Ethernet connectors.

Contrary to appellant's argument, Paulson discloses a non--conductive housing 12 having a jack 20 and terminals 54 to contact mating connectors (recitation "Ethernet" has been discussed above).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

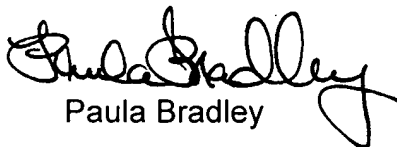
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10/27/05




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